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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/019,518 | 12/28/2001 | Andre Kudelski | 16674-7 | 8685 |
| 41972 7590 11/23/2010 LAW OFFICES OF STUART J. FRIEDMAN 28930 RIDGE ROAD MT. AIRY, MD 21771 | | | | |
| EXAMINER | | | | |
| IDOWU, OLUGBENGA O | | | | |
| ART UNIT | | PAPER NUMBER | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/019,518

Applicant(s)

KUDELSKI ET AL.

Examiner

OLUGBENGA IDOWU

Art Unit

2425

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/200)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Arguments

In response to applicant's arguments with regards to Tamer not teaching program listing, the examiner will like to point back to the aspect of Tamer that was referred to in the presented arguments; col. 3, lines 30 – 59. Col.3, lines 31 – 35 talk about a programming guide which interrelates program signal components through SCIDs. It can be seen from this that the described program guide does one of the functions of a program guide which is to put multiple programs together. Col. 3, lines 35 - 36 also talks about the program guide having a listing of each program. Col. 3, lines 54 – 65 also talking about the microprocessor receiving a selection signal from the user in response to a channel being selected. The Tamer reference also talks about ordering pay per view programs using the system in col. 5, lines 1-5. Even if the pointed parts of Tamer, including ordering pay per view, are not clear enough, the examiner has included Young which clearly teaches an EPG with program listings and times.

Overall, Tamer teaches a system, just like the one of the applicant's that reduces the time the user has to wait to access a desired program by including the ECM and EMM in the packet payload. This can be found in the Tamer summary and in col. 5, lines 1 - 11.

Although the examiner has brought in a reference to teach a display device being connected, it is obvious and well known that a system that orders programs to be watched will have a display device attached to it.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tamer, patent number: US 6 671 881 B1 in view of Young, publication number: US 2003/0159147 A1 in further view of Deiss, patent number: 5 521 979.

As per claim 1, Tamer teaches a system for selecting and confirming an impulse purchase for pay television, the system comprising:

Means for selection by the user of a program of a particular choice of the user, the choice confirmed in the system by an entitlement management message, the message being specific to an impulse purchase and comprising conditions defining authorization of viewing and conditions of cancellation of the authorization (selecting programs from an EPG, col. 3, lines 30 – 59, EMM, col. 4, lines 42 – 49, 54 - 57),

the program listing comprising date and time of broadcast of an impulse purchase program (program guide, col. 3, lines 30 – 59), the system further comprising a security module and means to transfer the entitlement management message specific to the impulse purchase to the security module when the user selects said impulse purchase program (smart card receiving EMM, col. 4, lines 42 - 67) and if the conditions

for authorizing viewing of the program selected by the user are met, recording the impulse purchase and granting access to the purchased program (granting access, col. 4, lines 65 - 67)

Tamer does not teach a display device for presentation to a user a listing of programs. In an analogous art, Young teaches a display device for presentation to a user a listing of programs (display and guide, [0073- 0074], [0139]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Tamer by including a system that allows available programs to be viewed on a display, as described by Young's television schedule system, for the advantages of improving system interactivity and giving the user a better idea of the available programs.

As per claim 2, the combination of Tamer and Young teach System according to Claim 1, wherein the entitlement management message is used locally in a hardware subassembly installed at the user's premises, the hardware subassembly comprising a security module in which is stored subscriber authorizations and subscriptions profile relating to the user (Tamer: smart card apparatus 31, col. 4, lines 42 – 49, Fig. 3).

As per claim 3, the combination of Tamer and Young teach System according to Claim 1, wherein the entitlement management message specific to the impulse purchase includes a notification to authorize viewing, or veto of the viewing authorization (Tamer: EMM for determining programs viewers are entitled to, col. 4, lines 54 - 57).

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUGBENGA IDOWU whose telephone number is (571)270-1450. The examiner can normally be reached on M - F between 8 AM and 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 5712727527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/OLUGBENGA IDOWU/
Examiner, Art Unit 2425

/Brian T Pendleton/
Supervisory Patent Examiner, Art Unit 2425